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Professional Standards

Codes of Conduct

Every construction professional will have undergone an intense period of training in his or her chosen profession. After academic or theoretic qualification come professional practice and final qualification, with most professionals joining the appropriate professional institutes. These institutes lay down codes of conduct and if it is shown that the professional in question has failed to comply with the code there will often be some kind of sanction.

Architects are Unusual

Architects are unusual because unless they are registered with the statutory body (Architects Registration Board, ARB) they cannot call themselves architects. Anyone calling him- or herself an architect in the course of business (except naval or golf course architects) and not registered is liable to be fined by the courts. It is not the function which is protected by statute but the name. Anyone, qualified or not, can carry out work usually associated with an architect just so long as they do not call themselves an architect. Many people, including me, think that is a ludicrous situation.

An unqualified person can adopt the rather grand title of 'architectural consultant' without a problem. Many clients seeing that title would assume that the person in question was at least an architect and possibly rather better than that. The sorry fact is that such people are not governed by any professional code as their clients sometimes discover to their cost. A client receiving a poor quality of service from an unqualified so-called professional will have no professional institute interested in listening to their complaints. Spare a thought then for architects, who have two such bodies: one set up by statute where membership is compulsory and one set up by the profession (RIBA) where membership is not compulsory but generally expected.

What You Say You Are

In case I have been guilty of putting ideas into certain heads, it is worth pointing out that the courts will treat you in accordance with the profession that you profess. Some years

ago, a man appeared in court accused of negligence. He had worked as a draftsman in a ball-bearing factory, but told his clients that he was an architect. The house he designed for them suffered severe defects and started moving down the hill. I used to try to enliven my lectures by musing on whether the problem was that he had incorporated ball bearings into the design. Anyhow, his defence in court was that he was not an architect so could not be expected to properly design the house in every respect (unbelievable). The court made clear that having put himself forward as an architect, that was the standard by which he would be judged. It may not have been a ball-bearing factory, but the rest is probably accurate, the liability position certainly is correct.

This is relevant for all those architects who put themselves down as quantity surveyors in the building contract if no actual quantity surveyor is appointed. 'Quantity surveyor' is not a protected title under statute, but if an architect holds him or herself out as capable of acting as a quantity surveyor, or structural engineer or electrical consultant etc. that is how they will be judged. In case they are feeling smug, it also applies to quantity surveyors, structural engineers etc. who hold themselves out, not as architects because that would be a statutory offence, but as being able to do an architect's job and receive a claim alleging negligence.

Professionals who claim they are able to carry out the duties of another profession must be sure that (i) they can do it and (ii) their professional indemnity insurers are happy with the situation.